

PROCEEDINGS OF THE BOARD OF EDUCATION
Special Meeting
June 29, 2020
5:00 p.m.
Minutes No. 29

June 29, 2020

5:00 p.m.

Present: President Linderman, Vice President Young, Board Member Fiegl (via livestream), Board Member Hare (via livestream), Board Member Kershaw (via Livestream), Board Member Lambalzer (via livestream), Board Member Pratt (via livestream), and Board Member Tobin (via livestream) – 8

Absent: Secretary Sandell - excused

President Linderman called the meeting to order at 5:02 p.m.

The Pledge of Allegiance was led by President Linderman.

No. 888 On Motion by Board Member Fiegl, seconded by Board Member Tobin, the Board moved into executive session at 5:04 p.m. (open discussion began when Trustee Lambalzer entered Executive Session at 5:16 p.m. after having technical difficulties) to discuss proposed, pending or current litigation brought against the New York State Education Department relating to the District's enhanced security system and the District's involvement in this matter.

Votes 7-0-0

Roll Call: Fiegl-Aye, Hare-Aye, Kershaw-Aye, Pratt-Aye, Tobin-Aye, Young-Aye, Linderman-Aye

Trustee Lambalzer left Executive Session at 6:16 p.m.

No. 889 On Motion by Board Member Tobin, seconded by Board Member Kershaw, the Board moved out of executive session at 6:39 p.m. – Ayes 7.

Votes 7-0-0

Roll Call: Fiegl-Aye, Hare-Aye, Kershaw-Aye, Pratt-Aye, Tobin-Aye, Young-Aye, Linderman-Aye

ACTION

BUSINESS MATTERS

No. 890 On Motion by Board Member Young

Lockport City School District Board of Education

Resolution Authorizing Intervention in Litigation and Commencing and Prosecuting any Claims and Defenses Related to the District's Use of Facial Recognition Technology

WHEREAS, Petitioners James Shultz and Renee Cheatham have commenced litigation against the New York State Education Department entitled *Shultz et al. v. New York State Educ. Dep't et al.*; Albany County Index No. 904134-20, regarding the Lockport City School District's ("District") use of facial recognition technology (the "Litigation"); and

WHEREAS, the Litigation concerns the District, seeks relief that would affect the District, and seeks a court order directing the District to "de-activate its face recognition system"; and

WHEREAS, despite the District being a necessary party to the Litigation, the Petitioners did not commence the Litigation against the District; and

WHEREAS, the District has determined to intervene in the Litigation to protect the District's interests;

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the Lockport City School District as follows:

1. Intervention in the Litigation, commencing new litigation, and/or asserting any additional or available claims and defenses is hereby authorized and directed to protect the District's interests, including, but not limited to, defending the District's security practices, including its use of facial recognition technology.

2. Hodgson Russ LLP is hereby retained and authorized to represent the District in the Litigation and any related matters to protect the District's interests as set forth above.

3. This Resolution shall be effective immediately.

PASSED AND ADOPTED this 29th day of June, 2020 by the Board of Education of the Lockport City School District.

Seconded by Board Member Kershaw

Votes 7-0-0

Roll Call: Fiegl-Aye, Hare-Aye, Kershaw-Aye, Pratt-Aye, Tobin-Aye, Young-Aye, Linderman-Aye

No. 891 On Motion by Board Member Hare, seconded by Board Member Young, the meeting was adjourned at 6:43 p.m.

Votes 7-0-0

Roll Call: Fiegl-Aye, Hare-Aye, Kershaw-Aye, Pratt-Aye, Tobin-Aye, Young-Aye, Linderman-Aye

Deborah A. Coder
Clerk of the Board